

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 7, 901 North 5th Street, Kansas City, KS 66101

EXPEDITED SETTLEMENT AGREEMENT 08 MAY -1 AM 9: 26

Docket Number: CWA-07-2008-0039, NPDES No.:MO-R-108189

the meaning of Section 502(5) of the Clean Water Act ("Act"), 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

Attached is an "Expedited Settlement Offer Deficiencies Form" ("Form"), which is incorporated by reference. By its signature, Complainant ("EPA") finds that Respondent is responsible for the deficiencies specified in the Form.

Respondent failed to comply with its National Pollutant Discharge Elimination System ("NPDES") storm water permit issued under Section 402 of the Act, 33 U.S.C. § 1342.

EPA finds, and Respondent admits, that Respondent is subject to Section 301(a) of the Act, 33 U.S.C. § 1311, and that APPROVED BY EPA: EPA has jurisdiction over any "person" who "discharges pollutants" from a "point source" to "waters of the United States." Respondent neither admits nor denies the deficiencies specified in William A. Spratting the Form.

EPA is authorized to enter into this Consent Agreement and Final Order ("Agreement") under the authority vested in the Administrator of EPA by Section 309(g)(2)(A) of the Act, 33 U.S.C. § 1319(g)(2)(A), and by 40 C.F.R. § 22.13(b). The parties enter into this Agreement in order to settle the civil violation(s) alleged in this Agreement for a penalty of \$4,500. Respondent consents to the assessment of this penalty, and waives the right to: (1) contest the finding(s) specified in the Form; (2) a hearing pursuant to Section 309(g)(2) of the Act, 33 U.S.C. § 1319(g)(2); and (3) appeal pursuant to Section 309(g)(8), 33

U.S.C. § 1319(g)(8). Additionally, Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that any deficiencies identified in the Form have been corrected. Respondent shall submit a written report with this Agreement detailing the specific actions taken to correct IT IS SO ORDERED; the violations cited herein.

Respondent certifies that, within ten (10) days of receiving notice from EPA that the Agreement is effective thirty Robert L. Patrick (30) days from the date it is signed by the Appropriate Official, Respondent shall submit a bank, cashiers or certified check, with case name and docket number noted, for the amount specified above payable to the "Treasurer, United States of America," via certified mail, to:

> U.S. EPA Fines and Penalties Cincinnati Finance Center PO Box 979007 St. Louis, MO 63197-9000

This Agreement settles EPA's civil penalty claims against Respondent for the Clean Water Act violation(s) specified in this EPA does not waive its rights to take any enforcement action against Respondent for any other past, present,

Good-Otis, L.L.C. ("Respondent") is a "person," within or future civil or criminal violation of the Action of any other federal statute or regulation. EPA does not waive its right to issue a compliance order for any uncorrected deficiencies or violation(s) described in the Form. EPA has determined this Agreement to be appropriate.

This Agreement is binding on the parties signing below and effective thirty (30) days from the date it is signed by the Presiding Officer unless a petition to set aside the Order is filed by a commenter pursuant to Section 309(g)(4)(C) of the Act, 33 U.S.C. § 1319(g)(4)(C), and Part 22.

Director

Water, Wetlands, and Pesticides Division

APPROVED BY RESPONDENT:

Name (print): Gilbert W. Title (print):

__ Date May 1, 2008

More than 40 days have elapsed since the issuance of public notice pursuant to Section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A), and EPA has received no comments concerning this matter.

Having determined that this Agreement is authorized by law,

Regional Judicial Officer

Expedited Settlement Offer Worksheet Deficiencies Form

Deficiencies Form

Consult instructions regarding eligibility criteria and procedures prior to use

MO-R101



LEGAL NAME AND MAILING ADDRESS OF OPERATOR	Telephone Number	NPDES Permit Number
1 Good-Otis LC	816-318-4100	MO-R108189
602 Meadowlark Drive	÷	
Raymore, MO 64083	Inspector Name:	Margie St. Germain
	Inspector Agency:	US EPA
	Entrance Interview Conducted:	Yes
	Exit Interview Conducted:	Yes
LOCATION AND ADDRESS OF SITE	Exit Interview given to:	Gilbert Good, General Partner
2 Prairie View of the Good Ranch	Exit Interview time:	4:00 Date: 10/26/2007
2010 Prairie Grass Drive		
Raymore; MO 64083		
		;
	2	

	FACILITY DESCRIPTION / CONTACT NAMES	<u> </u>
	Name of Site Contact (ESO Worksheet recipient):	Gilbert Good
	Name of Authorized Official (40 CFR 122.22):	Gilbert Good
3.0	Inspection Date:	10/26/2007
940	Start Construction Date:	08/01/2006
	Estimated Completion Construction Date:	10/01/2006
8574	If Unpermitted, Number of Months Unpermitted:	9
Mass	Name of Receiving Water Body (Indicate whether 303(d) listed):	Unnamed tributary to East Creek
7300	Acres Currently Disturbed Acres to be Disturbed in Whole Common Plan:	2:00
	Has Operator Requested Rainfall Erosivity or TMDL Waiver per 44 CFR 122.26(b)(15)?	No second distribution of the second

		PERMIT COVERAGE	Notes	Citation Reference**	State Citation Reference***	R C A*	No. of Deficien- cies	Dollar Amount	Total
3		Operator unpermitted for 9 months (# months unpermitted equals number of violations)	Permit expired on 2/7/2007 and was terminated on 10/30/2007.	CWA 301	10 CSR 20-6.010(5)	Ye	9	X \$500.00	= \$4,500
		SWPPP REVIEW							
4		SWPPP not prepared (If no SWPPP, leave elements 5 - 30 blank)		CGP 3.1.A	MOGP p. 5(7)	200		\$5,000.00	=
5		SWPPP prepared but prepared after construction start (# of months = # of violations)		CGP 3.1.A	MOGP p. 5(7)	1000		\$75.00	=
6		SWPPP does not identify all potential sources of pollution to include: porta-pottys, fuel tanks, staging areas, waste containers, chemical storage areas, concrete cure, paints, solvents.		CGP 3.1.B	MOGP p. 7(8)(i)			\$250.00	
7		SWPPP does not identify all operators for the project site and the areas of the site over which each operator has control		CGP 3.3.A	N/A	1000			
8		SWPPP does not have site description, as follows:							
	Á	Nature of activity in description	thought a season and the season of the seaso	CGP 3.3.B.1	MOGP p. 5(8)(a)	in St.	4846466	\$100.00	=
		Intended sequence of major activities		CGP 3.3.B.2	MOGP p.6(8)(c)	100 50	SECRETARY.	\$100.00	=
		Total disturbed acreage		CGP 3.3.B.3	MOGP p.5(8)(a)	No.	ESPECTATION.	\$100.00	=
		General location map		CGP 3.3.B.4	MOGP p.5(8)(a)	2018	28:50:50:50:00 V	\$100.00	=
	Ē	Site map		CGP 3.3.C	MOGP p.6(8)(c)	2161	aceason.	\$500.00	=
		Site map does not show drainage patterns, stopes, areas of disturbance, locations of major controls, structural practices shown, stabilization practices, offsite materials, waste, borrow or equipment storage ageas, surface waters, discharge points, areas of final stabilization (count each omission under 8F as 1 violation)		CGP 3.3.C.1-8	MOGP p.5(8) (a-d)			\$50.00	
(1) (3)		Location/description industrial activities, like concrete or asphalt batch plants		CGP 3.3.D	N/A	100 100 100 100 100 100 100 100 100 100	Go, Carl, Mile		
9		SWPPP does not:				1002			
		Describe all pollution control measures (e.g. BMPs)		CGP 3.4.A	MOGP p.6(8)(c)			\$750.00	=
	В	Describe sequence for implementation		CGP 3,4.A	MOGP p.6(8)(c)			\$250.00	=
	С	Detail operator(s) responsible for implementation		CGP 3.4.A	N/A				
10		SWPPP does not describe interim stabilization practices		CGP 3.4,B	MOGP p.6(8)(f)			\$250.00	=
11		SWPPP does not describe permanent stabilization practices		CGP 3.4.B	MOGP p.6(8)(f)			\$250.00	=
12		SWPPP does not describe a schedule to implement stabilization practices		CGP 3.4.B	MOGP p.6(8)(c)			\$250.00	

13		Following dates are not recorded: major grading		CGP 3.4.C.1-3	N/A	10000 10000			Т	T	
		activities; construction temporarily or permanently ceased; stabilization measures initiated (count							1		ľ
		each omission under 13 as 1 violation)	PUBLICATION OF THE PROPERTY OF		1						
14	814	SWPPP does not have description of structural		CGP 3.4.D	MOGP p.7(8)(g)	504		\$500.0	<u> </u>	 	
'`		practices to divert flows from exposed soils, retain		031 3,4,0	MOGF p.7(0)(g)			\$500.0	~[`		
15	188	flows, or limit runoff from exposed areas SWPPP does not have a description of measures		CGP 3.4.E	MOGP p.7(8)(j)	393		\$500.0	<u>, </u>		
[]		that will be installed during the construction	The American Control of the Control		P.7(0)(1)	1200		4000,0	1	1	
		process to control pollutants in storm water discharges that will occur AFTER construction				2220			1		
		operations have been completed									
16		SWPPP does not describe measures to prevent		CGP 3.4.F	MOGP p.7(8)(i)	3300		\$500.0	0 =		
		discharge of solid materials to waters of the US, except as authorized by 404 permit				25					
17		SWPPP does not describe measures to minimize		CGP 3.4.G	MOGP 6(8)(f)	365		\$500.0	<u> </u>	 	
		off-site vehicle tracking and generation of dust									
18		SWPPP does not include description of	E 1.00 415 CE 100 FE	CGP 3.4.H	MGOP p.7(8)(i)			\$250.0	0 ≈		
		construction or waste materials expected to be stored on site w/updates re; controls used to						.			
		reduce pollutants from these materials									
19		SWPPP does not have description of pollutant		CGP 3.4.I	N/A						
		sources from areas other than construction (asphalt or concrete plants) w/ updates re; controls	The state of the s								
		to reduce pollutants from these materials	and the company of the com-								
20		SWPPP does not identify allowable sources of		CGP 3.5	MGOP p.2(2)			\$500.0	0=		
	N Pop Pop	non-storm water discharges listed in subpart 1.3.B of the CGP			,co. p.m(2)			,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,			
21		SWPPP does not identify/ensure implementation		CGP 3.5	N/A	Paralisi Marka			T		
		of pollution prevention measures for non-storm water discharges									
22		Endangered Species Act documentation is not in SWPPP	CONTRACTOR	CGP 3.7	N/A						
23		Historic Properties (Reserved)			N/A						
24		Copy of permit and/or NOI not in SWPPP (count		CGP 3.8	N/A	100			4 4	Ministration.	492200
		each omission under 24 as 1 violation)	ENERGY CONTROL OF THE	00000		27227			4	<u> </u>	
25		SWPPP is not consistent with requirements specified in applicable sediment and erosion site	MC By Frieder Spieloute of Capacity Science	CGP 3,9	N/A						
		plans or site permits, or storm water management				300					
		plans or site permits approved by State, Tribal or local officials (e.g., MS4 requirements)							***************************************		
26		SWPPP has not been updated to remain		CGP 3.9	N/A		17.		t		
		consistent with changes applicable to protecting surface waters in State, Tribal or local erosion	er in de la company de la								
		plans									
27		Copies of inspection reports have not been		CGP 3.10.G	MGOP p.9(1)			\$500.0]=		
		retained as part of the SWPPP for 3 years from date permit coverage terminates	STREET, THE REST OF THE PERSON								
28		SWPPP has not been updated/modified to reflect	Teacorate especialistic de la final de la compa	CGP 3.11.C	MGOP p.7(9)	33337	langli Silving	X \$50.00) =	ſ	
		change at site effecting discharge, or where inspections identify SWPPP/BMPs as ineffective,								ĺ	
		updates to SWPPP regarding modifications to		-						İ	
		BMPs not made within 7 days of such inspection (count each omission under under 28 as 1									
		violation)								<u> </u>	
29		Copy of SWPPP not retained on site A SWPPP not made available upon request		CGP 3.12.A CGP 3.12.C	MGOP p.9(4) MGOP p.9(1)	20030A -10000A		\$500.00 \$500.00			
30		SWPPP not made available upon request SWPPP not signed/certified		CGP 3.12.C	N/A	1200 16000	96 (E10 (83) (E	\$500.00			-
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		INSPECTIONS									
31		Inspections not performed and documented either		CGP 3.10.A,	MGOP p.8(10)			X \$250.00	=		
]		once every 7 days, or once every 14 days and within 24 hours after storm event greater than 0.5		3.10.B	1						
		inches or greater (not required if: temp								Ì	- (
		stabilization; runoff unlikely due to winter conditions; construction during arid periods in arid	CERTAIN AND THE								
		areas) (Count each failure to inspect and									
		document as one violation). No inspections conducted and documented (if			 		erezantak Kabadara	True o	+		
		True, then leave elements 32-39 blank)						Fals	3		
		Number of Inspections expected if performed every 7 days:									
		Number of Inspections expected if performed bi-			N/A						4140
		weekly: If known, number of days of rainfall of >0.5"	Nacially accounts of the control of			48 E					
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48 Is the Owner/Operator a Small Business?						r	15 3 to 10	**************************************			-	
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	A small business is defined by EPA's Small					
	Business Compliance Policy as: "a person,					
201	corporation, partnership, or other entity that					
	employs 100 or fewer individdals (across all					
	facilities and operations owned by the small					
	business)." The number of employees should	Control of property and seeding the control of				
	be considered as full-time equivalents on an					
	annual basis, including contract employees					
	(see 40 CFR 372.3). A full time employee unit					
	is 2000 hours worked per year.					
				Total Expedited	Settlement:	\$4,500

* Requires Corrective Action
** NPDES General Permit, 68 FR 39087, issued by EPA on July 1, 2003, http://cfpub.epa.gov/npdes/stormwater/cgp.cfm
*** Missouri General Permit No. MO-R101xxx, issued by MDNR on February 8, 2002 - http://www.dnr.mo.gov/env/wpp/permits/wpcpermits-stormwater.htm

IN THE MATTER OF Good-Otis, L.L.C., Respondent Docket No. CWA-07-2008-0039

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:

Copy hand delivered to Attorney for Complainant:

Kristina Gonzales Assistant Regional Counsel Region VII United States Environmental Protection Agency 901 N. 5th Street Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

Gilbert W. Good, Partner Good-Otis, L.L.C. 602 Meadowlark Drive Raymore, Missouri 64083

Dated: 01108

Kathy Robinson

Hearing Clerk, Region 7